

Appl. No. 10/052,473
Response dated March 2, 2004
Reply to Office Action of October 3, 2003

PATENT

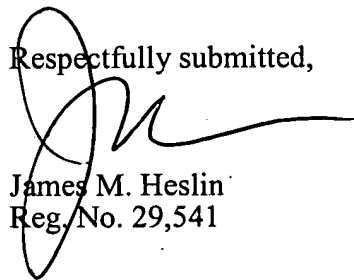
understand why Claims 88-103 are viewed as relating to Figure 24a or why such claims are included in the same group as Claims 1-18 (which are directed to a laser embodiment of the device).

Applicant has provisionally elected Species A because it includes Claims 88-103, which Applicant wishes to initially prosecute. Applicant believes that, if Claims 88-103 are directed to a particular species, it is the Species of Figure 7, not Figure 24a. Figure 7 is not specific to any particular type of ablator (e.g., laser, radiofrequency, rotary, etc.). Moreover, Claims 20-50 are sufficiently similar to Claims 88-103 to be included within the same species. Accordingly, Applicant proposes that Species A should be redefined as "Claims 20-50 and 88-103, see Figure 7."

Furthermore, Applicant traverses the election of species requirement on grounds that the Office Action incorrectly states that, currently, no claims are generic. In fact, a number of claims, including at least claims 20 and 88, are believed to be generic to both Species A and B. The Office Action does not identify any particular Figure(s) in connection with Species B. However, it is believed that at least Claims 20 and 88 would read on Species B as well as Species A. Thus, the elected apparatus claims do currently include claims that are generic to both of the enumerated apparatus species (i.e., Species A and B).

On the basis of the foregoing arguments, substantive examination of *at least* Claims ~~20~~ 50 and 88-103 is earnestly solicited. The Examiner is invited to telephone Applicant's undersigned counsel if the Examiner wishes to discuss the arguments set forth in this response.

Respectfully submitted,



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